

BEST AVAILABLE COPY

Serial No. 09/925,711

2002, the issue fee being due on January 29, 2003. The issue fee was not paid. Therefore, the '751 application is abandoned.

In the Office Action, claims 11 and 12 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Office Action stated that claim 11 recites a deformable covering but there is no support for it in the specification. Similarly, the drawings were objected to under 37 C.F.R. §1.83(a) as not showing the deformable covering.

Applicant respectfully traverses the rejection of claims 11 and 12 and the objection to the drawings. On page 8, lines 3-9, the specification states that the initiator 70 (see Fig. 3) has a support portion 72 and a main body portion 74 that are covered in a deformable material 76, such as molded nylon. On page 13, lines 10-15, the specification states that the first and second retainer parts 92 and 94 clamp onto the initiator 70. The metal which forms the first and second retainer parts 92 and 94 presses into and deforms the plastic outer covering of the support portion 72 of the inflator 70. Thus, the rejection of claims 11 and 12 under 35 U.S.C. §112, first paragraph, and the objection to the drawings under 37 C.F.R. §1.83(a) are improper and should be withdrawn.

In the Office Action, claims 10-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Goetz (U.S. Patent No. 5,913,537). Claim 10 recites an inflator including a

container with an opening through which inflation fluid flows in a given direction and a retainer having a passage for directing gas from the container in the given direction. Referring to Fig. 3, the container 30 has an opening 40 through which inflation fluid flows in a given direction, i.e., parallel to the axis 36. The retainer 90 has a passage 140 that directs the inflation fluid out of the inflator in the same given direction, i.e., parallel to the axis 36.

In Goetz, the inflation fluid flows from the container 12 through the passages 28 in a given direction parallel to the axis 42 of the inflator. In Goetz, however, the inflation fluid clearly exits the inflator 12 through the passages 220 in directions perpendicular to the given direction.

Claim 10 also recites a rupturable closure member having a first portion deformed into engagement with a support for the closure member by the pressure of the inflation fluid in the container. The support thus transmits force from the closure member to the retainer. Goetz does not teach or suggest a rupturable closure member deformed into engagement with a support by the pressure of inflation fluid in the container.

For the reasons stated above, it is respectfully submitted that Goetz does not disclose all of the features recited in claim 10 and the rejection of claim 10 has been successfully traversed. Therefore, the rejection of claim 10 under 35 U.S.C. 102(b) should be withdrawn and claim 10 should be allowed. Claims 11-13, depending from claim 10, are thus allowable as depending from an allowable claim.

Claim 11 is also allowable over Goetz because Goetz does not teach a support portion having a deformable covering, the initiator being clamped in the retainer so that the deformable covering is deformed and a fluid-tight seal is formed.

Claim 12 is also allowable over Goetz because Goetz does not teach a support forming a first retainer part and being positioned relative to a second retainer part to clamp the support portion of the initiator between the support and the second retainer part.

Claim 13 is also allowable over Goetz because Goetz does not teach directing inflation fluid from the inflator in a direction parallel to a longitudinal axis of the inflator.

Claims 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Goetz in view of Paxton et al. (U.S. Patent No. 5,803,493). Claims 14 and 15 depend from claim 10 which, as stated above, is allowable over Goetz. Therefore, claims 14 and 15 should be allowed because Goetz and Paxton, alone or in combination, do not teach or suggest all of the features recited in claims 14 and 15.

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

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Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,



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